

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CROWN	)	
COMMUNICATIONS INC. AND NEXTEL WEST	)	
CORPORATION FOR ISSUANCE OF A	)	
CERTIFICATE OF PUBLIC CONVENIENCE AND	)	
NECESSITY TO CONSTRUCT A WIRELESS	)	CASE NO. 97-514
COMMUNICATIONS FACILITY AT WOODBURN IN	)	
THE TRUNKED SMR LICENSE AREA IN THE	)	
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF WARREN. SITE NAME: KIRBY	)	
(DONALD KIRBY) SITE NUMBER: K-5009-A	)	

O R D E R

On December 31, 1997, Crown Communications, Inc. ("Crown") and Nextel West Corp. ("Nextel") (collectively, "Applicants") filed an application seeking a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. Crown requests authorization to construct a facility consisting of a guyed antenna tower not to exceed 365 feet in height, with attached antennas, to be located at 3184 Woodburn-Allen Springs Road, Woodburn, Warren County, Kentucky (the "Kirby site"). The coordinates for the proposed facility are North Latitude 36° 49' 54.609" by West Longitude 86° 29' 39.628".

Applicants have provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Registered Professional Engineer. Nextel states it will locate antennas on the proposed structure and has demonstrated the need for a communications facility at the Kirby site.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, Applicants have notified the Warren County Planning Commission ("Planning Commission") of the proposed construction. The Planning Commission filed comments but later informed the Commission that Applicants had adequately addressed the concerns regarding the proposed construction. Crown has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction of the proposed facility. Both decisions are pending.

Applicants have filed notices verifying that each person who owns property within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners of their right to intervene. In addition, Applicants have posted notice of the proposed construction in a visible location for at least two weeks after filing their application. To date, no comments have been filed other than those of the Planning Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Crown should notify the Commission if this antenna tower is not used to provide service in the

manner set out in the application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Crown.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Crown should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

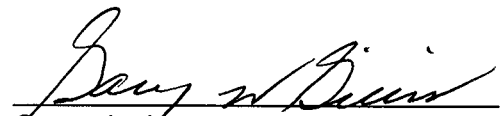
1. Crown is granted a Certificate of Public Convenience and Necessity to construct a guyed antenna tower not to exceed 365 feet in height, with attached antennas, to be located at 3184 Woodburn-Allen Springs Road, Woodburn, Warren County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 49' 54.609" by West Longitude 86° 29' 39.628".
2. Crown shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.
3. Crown shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 1st day of July, 1998.

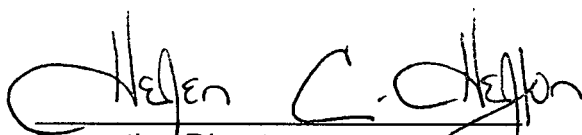
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director